

1 IN THE UNITED STATES DISTRICT COURT FOR THE  
 2 NORTHERN DISTRICT OF OKLAHOMA  
 3  
 4

5 W. A. DREW EDMONDSON, in his )  
 6 capacity as ATTORNEY GENERAL )  
 7 OF THE STATE OF OKLAHOMA and )  
 8 OKLAHOMA SECRETARY OF THE )  
 9 ENVIRONMENT C. MILES TOLBERT, )  
 10 in his capacity as the )  
 11 TRUSTEE FOR NATURAL RESOURCES )  
 12 FOR THE STATE OF OKLAHOMA, )

13 )  
 14 )  
 15 Plaintiff, )  
 16 )

17 vs. )

18 ) 4:05-CV-00329-TCK-SAJ  
 19 )  
 20 )

21 TYSON FOODS, INC., et al, )  
 22 )  
 23 )

24 Defendants. )  
 25 )

26 -----  
 27 THE VIDEOTAPED DEPOSITION OF  
 28 KERRY KINYON, produced as a witness on behalf of  
 29 the Plaintiff in the above styled and numbered  
 30 cause, taken on the 4th day of June, 2008, in the  
 31 City of Tulsa, County of Tulsa, State of Oklahoma,  
 32 before me, Lisa A. Steinmeyer, a Certified Shorthand  
 33 Reporter, duly certified under and by virtue of the  
 34 laws of the State of Oklahoma.  
 35

TULSA FREELANCE REPORTERS  
 918-587-2878

EXHIBIT

3

1       A       Research and development type housing. We  
2       also had contract growers that were breeder growers,  
3       but Peterson Farm owned the housing that the R and D  
4       and things like that were in.

5       Q       How large -- how many of those facilities,                   09:17AM  
6       first of all, were there that were company-owned, as  
7       you say, R and D?

8       A       It had gotten down to a small number. I'm  
9       going to say maybe ten to twelve houses possibly.

10      Q       Okay, and how many birds would that be?                   09:17AM

11      A       I'm not sure. All those houses were not full.  
12      Like I said, they were done for research and  
13      breeding. You know, anywhere from probably 4,000 to  
14      10,000 birds per house.

15      Q       Now, can you describe what the geographic area           09:18AM  
16      is in which Peterson Farms operate -- operated while  
17      you were there?

18      A       Well, we had -- let's see. We had three  
19      hatcheries within probably a two-mile radius of the  
20      corporate office.   09:18AM

21      Q       Corporate office --

22      A       In Decatur, Arkansas. Our feed mill was  
23      approximately one mile from the corporate office in  
24      Decatur, Arkansas. Our R and D facilities were  
25      approximately one mile. So everything was pretty                   09:18AM

1 well within two or three miles of Decatur, Arkansas.

2 Q And your growers, they were within what  
3 distance from the feed mill?

4 A I'm not sure exactly. If I recall, probably a  
5 40-mile radius. 09:19AM

6 Q From the corporate facilities that you spoke  
7 of, the R and D, what did the company do with the  
8 waste from those facilities?

9 MS. LONGWELL: Object to the form.

10 A Well, you know, I probably wasn't in a 09:19AM  
11 position to know that up until the last few years,  
12 but we disposed of it properly.

13 Q Well, how was it disposed of?

14 A It would have been spread on the land if the  
15 land would have taken it according to the nutrient 09:19AM  
16 management plan or best management practice.

17 Q And was that done close to those facilities or  
18 was it done at some distance?

19 A I would say generally close, within a 15 or  
20 20-mile radius possibly. 09:20AM

21 Q During the time that you were employed by  
22 Peterson, do you know approximately how many  
23 contract grower facilities, Peterson contract grower  
24 facilities were located within the Illinois River  
25 watershed? 09:20AM

**TULSA FREELANCE REPORTERS  
918-587-2878**

1 MS. LONGWELL: Object to the form.

2 A I do not recall really.

3 Q Was that ever examined by the company while  
4 you were there?

5 A Yes. 09:20AM

6 Q Was there a report prepared as to that?

7 A I do not recall a specific report, no, I do  
8 not.

9 Q Well, you say that you know that that issue  
10 was examined. What -- how did you come to be aware 09:21AM  
11 of that?

12 A Well, we had come up with a number of housing  
13 and things like that in the different watersheds.  
14 At one time we were looking at a possibility of  
15 composting litter, and we needed that information 09:21AM  
16 gathered to, you know, come up with -- to go along  
17 with our idea.

18 Q Okay. At what point was -- did you look at  
19 the question of what watersheds the houses were in?

20 MS. LONGWELL: Object to the form. 09:21AM

21 A Well, I think we started probably -- you know,  
22 as far as I can remember, I mean each house or farm  
23 was identified in a watershed. I'm sure that went  
24 back several years, but I guess it came to light  
25 more during the negotiations with the State of 09:22AM